

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-283-D

WILLIAM LEE GRANT, II,

Plaintiff,

v.

JOINT SPECIAL OPERATIONS
COMMAND,

Defendant.

ORDER

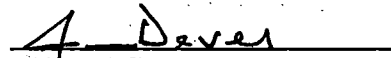
On July 8, 2019, William Lee Grant, II (“Grant” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On July 9, 2019, the court referred the motion to Magistrate Judge Numbers for frivolity review. On July 17, 2019, Magistrate Judge Numbers granted Grant’s application to proceed in forma pauperis, issued a Memorandum and Recommendation (“M&R”) [D.E. 3], and recommended that the complaint be dismissed as frivolous. On July 29, 2019, Grant filed objections to the M&R [D.E. 4].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff's objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. The court agrees that plaintiff is not a prisoner. Cf. 28 U.S.C. §§ 1915(a)(2), 1915(h). Nonetheless, the court has the authority to dismiss a complaint as frivolous or for failure to state a claim upon which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B). Plaintiff's allegations are delusional, and he has failed to state a claim upon which relief can be granted.

In sum, the court DISMISSES plaintiff's complaint [D.E. 1-2] for failure to state a claim upon which relief can be granted. The clerk shall close the case.

SO ORDERED. This 19 day of August 2019.


JAMES C. DEVER III
United States District Judge